

102  
PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:  
Critical area  
87-217-A  
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3C.1 to permit lot widths of 50 feet in lieu of the required 55 feet for lots 296 thru 299 and to permit a rear yard setback of 19 feet in lieu of the required 30 feet for lots 292 and 293.  
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)  
Lot widths  
To conform to remainder of neighborhood. Rear yard - Existing improvement encroaches on lots 296 thru 299 in order to sell off

MAP AREA  
S.D. 15  
DATE 11/13/86  
200  
1000  
DP

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):  
(Type or Print Name) Thomas F. Corcoran  
Signature Thomas F. Corcoran  
Address Patricia M. Corcoran  
(Type or Print Name)  
Signature Patricia M. Corcoran  
City and State  
Attorney for Petitioner:  
(Type or Print Name) Address Phone No.  
Signature City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Address Thomas F. & Patricia M. Corcoran  
City and State Name  
Attorney's Telephone No.: 6714 South River Drive 335-6107  
Address Baltimore, MD 21220 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of October, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 1st day of December, 1986, at 10:30 o'clock A.M.

(over)  
Zoning Commissioner of Baltimore County.

#### ZONING DESCRIPTION

Beginning at a point on the southwest of University Drive, 30 feet wide, at a distance of 148 feet southeast of the intersection with South River Drive and being Lots 296, 297, 298, 299 fronting on University Drive and Lots 292 and 293 fronting on South River Drive as shown on the plat of "Harewood Park", which is recorded in the LRBC in plat book WPC No. 7, Folio 131.

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER  
SW/S of University Dr., 148' : OF BALTIMORE COUNTY  
SE of South River Dr., :  
15th District :  
THOMAS F. CORCORAN, et ux, : Case No. 87-217-A  
Petitioners :  
: : : : :  
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 12th day of November, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Thomas F. Corcoran, 6714 South River Dr., Baltimore, MD 21220, Petitioners.

Peter Max Zimmerman  
Peter Max Zimmerman

to permit lot widths of 50 feet for two building lots and a rear yard setback of 19 feet in lieu of the required 30 feet for the existing dwelling to the rear of the proposed building lots be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Recommendations from the Office of Planning dated December 2, 1986, as to the Chesapeake Bay Critical Area findings (attached), shall be adopted in their entirety.

Zoning Commissioner of Baltimore County

AJ/srl  
Attachment  
cc: Mr. & Mrs. Thomas F. Corcoran  
People's Counsel

ORDER RECEIVED FOR FILING  
Date December 3, 1986  
By [Signature]

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ORDER RECEIVED FOR FILING  
Date December 3, 1986  
By [Signature]

Petition for Zoning Variance  
108 Election District  
Case No. 87-217-A  
LOCATION: Southwest Side of University Drive, 148 feet Southeast of South River Drive.  
DATE & TIME: Monday, December 1, 1986 at 10:30 a.m.  
PUBLIC HEARING: Room 301 County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Variance to permit lot widths of 50 feet in lieu of the required 55 feet for Lots 296 through 299 and a rear yard setback of 19 feet in lieu of the required 30 feet for Lots 292 and 293.  
Being the property of Thomas F. Corcoran, et ux, as shown on the plat filed with the Zoning Office.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.  
By Order of  
Zoning Commissioner of Baltimore County

### The Times

Middle River, Md., Nov. 13, 1986  
This is to Certify, That the annexed Petition  
REQ. L 96972  
was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 13th day of November, 1986  
Diana Petty Publisher.

### CERTIFICATE OF PUBLICATION

TOWSON, MD., November 13, 1986  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on November 13, 1986.

THE JEFFERSONIAN,

Susan Shuler Obrecht  
Publisher

Cost of Advertising

24.75

PETITION FOR ZONING VARIANCES  
108 Election District  
Case No. 87-217-A  
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Being the property of Thomas F. Corcoran, et ux, as shown on plat filed with the Zoning Office.  
In the event that the Petitioner is granted a building permit, may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.  
By Order of  
Zoning Commissioner of Baltimore County  
11082, Nov. 13, 1986

IN RE: PETITION ZONING VARIANCES \* BEFORE THE  
SW/S of University Drive, \* ZONING COMMISSIONER  
148' SE of South River Drive \* OF BALTIMORE COUNTY  
15th Election District \*  
Thomas F. Corcoran, et ux, \* Case No. 87-217-A  
Petitioners \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit lot widths of 50 feet for two building lots and a rear yard setback of 19 feet in lieu of the required 30 feet for the existing house to the rear of the proposed building lots, as more particularly described on Petitioners' Exhibit 1.

The Petitioner, Thomas F. Corcoran, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.5.5, consists of Lots 296, 297, 298, and 299, each 25 feet wide, which front on University Drive in Harewood Park, and Lots 292 and 293, which front on South River Drive and adjoin Lots 298 and 299 to the rear. Mr. Corcoran and his family have owned the lots for over 45 years. His father-in-law constructed a home in approximately 1938 on Lots 292 and 293 and accidentally encroached onto Lots 298 and 299. He purchased these lots, as well as other adjoining lots, to rectify the problem. Mr. Corcoran now wishes to combine the four lots on University Drive into two building lots, each 50 feet wide, which would conform to the majority of developed lots in the area. He will resurvey, thereby necessitating a rear yard setback of 19 feet to the northeast property line shared by his home and Lots 298 and 299. His neighbors do not object to the requested variances.

The Petitioners seek relief from Section 1802.3C.1, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 3rd day of December, 1986, that the Petition for Zoning Variances

ORDER RECEIVED FOR FILING  
Date December 3, 1986  
By [Signature]

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# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 25, 1986

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Chairman

MEMBERS

Bureau of  
Engineering  
Department of  
Traffic Engineering  
State Roads Commission  
Bureau of  
Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial  
Development

Mr. Thomas F. Corcoran  
6714 South River Drive  
Baltimore, Maryland 21220

RE: Item No. 102 - Case No. 87-217-A  
Petitioner: Thomas F. Corcoran, et ux  
Petition for Zoning Variance

Dear Mr. Corcoran:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:kbb

Enclosures



BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2586  
494-4500

September 29, 1986

PAUL H. REINCKE  
CHIEF

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

RE: Property Owner: Thomas F. Corcoran, et ux (CRITICAL AREA)

Location: SW/S University Drive, 148' SE South River Drive

Item No.: 102

Zoning Agenda: Meeting of 9/30/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

(x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 750 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill*  
Planning Group  
Special Inspection Division

Noted and Approved:  
Fire Prevention Bureau

/mb

SPECIAL MAP FOR CONSTRUCTION IN TIDAL OR RIVERINE AREAS  
BILL #17-85 BALTIMORE COUNTY BUILDING CODE 1984  
EFFECTIVE - APRIL 22, 1985

SECTION 516.0 A Section added to read as follows:

SECTION 516.0 CONSTRUCTION IN AREAS SUBJECT TO FLOODING

516.1 AREAS SUBJECT TO INUNDATION BY TIDEWATERS:

1. Whenever building or additions are constructed in areas subject to inundation by tides, the building's lowest floor (including basement) shall be not lower than one (1) foot above the 100-year flood elevation, as established by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is more restrictive. These buildings or additions shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.

Areas beneath buildings will not be considered as basements if headroom to underside of floor joists is less than six feet or if enclosure walls are at least 50 percent open.

2. Crawl spaces under buildings constructed in the tidal plain, as determined by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is the more restrictive, shall be constructed so that water will pass through without resulting debris causing damage to the improvements of any property.

3. New or replacement utility systems, including but not limited to water supply, sanitary sewage, electric, gas and oil, must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

516.2 RIVERINE AREAS SUBJECT TO INUNDATION BY SURFACE WATERS WITHIN THE 100 YEAR FLOOD PLAIN.

1. No structures or additions shall be within the 100-year flood plain of any watercourse. The 100-year flood plain shall be based upon the Federal Flood Insurance Study or the Department of Public Works, whichever is the more restrictive. This determination shall include planned future development of the watershed area.

2. Reconstruction of residential dwelling units shall be governed by Sections 103.0 or 120.0 as applicable, except that rebuilding of residential dwelling units damaged in excess of 50 percent of physical value shall also be governed by the provisions of Subsection 516.1 of this Section.

3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 516.1 when damage exceeds 50 percent of physical value.

April 1985



BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
TOWSON, MARYLAND 21204  
494-3211

NORMAN E. GERDER  
DIRECTOR

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

NOVEMBER 5, 1986

(CRITICAL AREA)

Re: Zoning Advisory Meeting of SEPTEMBER 30, 1986  
Item # 102  
Property Owner: THOMAS F. CORCORAN, et al  
Location: SW/S UNIVERSITY DRIVE, 148'  
SE SOUTH RIVER DRIVE

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ( ) There are no site planning factors requiring comment.
- (x) A County Review Group Meeting is required.
- (x) A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ( ) This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- (x) A record plat will be required and must be recorded prior to issuance of a building permit.
- ( ) The access is not satisfactory.
- ( ) The circulation on this site is not satisfactory.
- ( ) The parking arrangement is not satisfactory.
- ( ) Parking calculations must be shown on the plan.
- ( ) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ( ) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ( ) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ( ) The amended Development Plan was approved by the Planning Board on \_\_\_\_\_.
- ( ) Landscaping: Must comply with Baltimore County Landscape Manual.
- ( ) The property is located in a deficient service area as defined by Bill 178-73. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is \_\_\_\_\_.
- ( ) The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.

(X) Additional comments:

"THIS SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA. ADDITIONAL COMMENTS WILL BE PROVIDED BY THE COMPREHENSIVE PLANNING DIVISION."

David Fields, Acting Chief  
Current Planning and Development

cc: James Hoswell



BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204

October 14, 1986

TED ZALESKI, JR.  
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 102 / Zoning Advisory Committee Meeting are as follows:

Property Owner: THOMAS F. CORCORAN, et ux  
Location: SW/S University Drive, 148 feet SE South River Drive  
District: 15th.

APPLICABLE ITEMS ARE CIRCLED:

- (1) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.M.S.I. #117-1 - 1980) and other applicable Codes and Standards.
- (2) A building and other miscellaneous permits shall be required before the start of any construction.
- (3) Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.
- D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- E. All Use Groups except B-4, Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. B-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 1107, Section 1106.2 and Table 1105. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- G. The requested variance appears to conflict with Section(s) \_\_\_\_\_ of the Baltimore County Building Code.
- H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use \_\_\_\_\_ to Use \_\_\_\_\_ or to Mixed Use \_\_\_\_\_ See Section 512 of the Building Code.

NOTE:

- (1) The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- (2) Comments: Grade elevations and proposed building elevations shall be shown on the submittal plan, when filing for a permit.

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

*Mark E. Clum*  
BY: C. E. Burnham, Chief  
Building Plans Review

11/22/86



BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

*Rec'd  
12-3-86  
87-217-A*

October 23, 1986

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number (102) 116, 117, 118, 120, 121, 123, and 126.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF:lt